REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Claim Amendments

Independent claims 18, 32 and 33 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

Further, claims 27-31 have been cancelled without prejudice or disclaimer of the subject matter recited therein.

II. 35 U.S.C. § 103(a) Rejection

Claims 18-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokoyama et al. (U.S. 2001/0029526) in view of Okada et al. (U.S. 6,049,670). These rejections are believed clearly inapplicable to amended independent claims 18, 32 and 33 and claims 19-26 that depend therefrom for the following reasons.

Amended independent claim 18 recites a server apparatus that includes a receiving unit operable to receive, from an information processing terminal, a _program obtainment request attached to a terminal ID_. Further, claim 18 recites that the server apparatus includes a decision unit operable to (i) decide whether or not the _terminal ID_ attached to the received program obtainment request _is recorded in a first table_, (ii) distribute _only a program body_ of the identified program to the information processing terminal by _prohibiting distribution_ of the

program specific information of the identified program in a case <u>where the decision unit decides that the terminal ID is recorded in the first table</u>, and (iii) distribute the <u>program body</u> and the <u>program specific information</u>, as the identified program, in a case <u>where the decision unit decides that the terminal ID is not recorded in the first table</u>.

The above-mentioned rejection asserts that above-mentioned distinguishing features recited in independent claim 18 are disclosed in paragraphs [0045], [0055], [0069] and [0124], and in Figs. 2, 13, 17 and 24 of Yokoyama. However, the Yokoyama and Okada references, or any combination thereof, fail to disclose or suggest the above-mentioned distinguishing features, as recited in independent claim 18.

Yokoyama describes that service program-specific information 601 includes a service name 601a, attributes 601b, an average execution time 601c, an average memory usage 601d, a service price 601e, a distribution plan 601f, a traveling limit time 601g, and <u>a program body data 601h</u> (<u>see</u> paragraph [0055] and Fig. 6, as cited in the rejection). Further, Yokoyama teaches that a connection group table 2400 is formed from a list of home terminals and associated base stations (<u>see</u> paragraph [0124] and Fig. 24]).

Specifically, it appears that the above-mentioned rejection relies on the program body data 601h of the service program-specific information 601 of Yokoyama for teaching the features of the program specific information, as recited in claim 18 and relies on the connection group table 2400 for teaching the features of the first table, as recited in claim 18.

However, in view of the above, although Yokoyama teaches that service program-specific information includes <u>program body data</u>, Yokoyama still fails to disclose or suggest receiving a <u>program obtainment request attached to a terminal ID</u>, and fails to disclose or suggest

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the decision unit operable to (i) decide whether or not the terminal ID attached to the received program obtainment request is recorded in the first table, (ii) distribute only a program body of the identified program to the information processing terminal by prohibiting distribution of the program specific information of the identified program in a case where the decision unit decides that the terminal ID is recorded in the first table, and (iii) distribute the program body and the program specific information, as the identified program, in a case where the decision unit decides that the terminal ID is not recorded in the first table, as required by claim 18.

Additionally, although Yokoyama does in fact teach a group table identifying home terminals and associated base stations, Yokoyama still fails to disclose or suggest the decision unit operable to (i) decide whether or not the terminal ID attached to the received program obtainment request is recorded in a first table, (ii) distribute only a program body of the identified program to the information processing terminal by prohibiting distribution of the program specific information of the identified program in a case where the decision unit decides that the terminal ID is recorded in the first table, and (iii) distribute the program body and the program specific information, as the identified program, in a case where the decision unit decides that the terminal ID is not recorded in the first table, as recited in claim 18.

In view of the above, using the terminology disclosed by Yokoyama in conjunction with the limitations recited in claim 18, it is clear that Yokoyama fails to disclose or suggest transmitting only the program body data 601h out of the service program-specific information 601 to the home terminal 110 in a case where the terminal ID is recorded in the first table, and transmitting the service name 601a, the attributes 601b and the program body data 601h included in the service program-specific information 601 to the home terminal 110 in a case where the

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terminal ID is not recorded in the first table, as required by claim 18 (by incorporating the terminology of Yokoyama into the limitations recited in claim 18).

Moreover, the Okada reference also fails to disclose or suggest the above-discussed features of independent claim 18 which are lacking from Yokoyama. Therefore, because of the above-mentioned distinctions it is believed clear that claim 18 and claims 19-26 which depend therefrom would not have been obvious or result from any combination of Yokoyama and Okada.

Furthermore, there is no disclosure or suggestion in Yokoyama or Okada, or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Yokoyama and/or Okada to obtain the invention of independent claim 18. Accordingly, it is respectfully submitted that independent claim 18 and claims 19-26 which depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 32 and 33 are directed to a method and program, respectively, which recite features that correspond to the above-mentioned distinguishing features of independent claim 18. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 32 and 33 are allowable over the prior art of record.

III.   Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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